



**U.S. Department of Justice**  
Office of Information Policy  
Suite 11050  
1425 New York Avenue, NW  
Washington, DC 20530-0001

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Telephone: (202) 514-3642

Ms. Emma Best  
MuckRock News  
DEPT MR 58327  
411A Highland Avenue  
Somerville, MA 02144  
[58327-96179457@requests.muckrock.com](mailto:58327-96179457@requests.muckrock.com)

Re: Appeal No. DOJ-AP-2019-001059  
Request No. 1411474  
SRO:EMY

**VIA: Email**

Dear Ms. Best:

You attempted to appeal from the action of the Federal Bureau of Investigation on your Freedom of Information Act request for access to records concerning Mr. Richard Lee Bast. I note that your appeal concerns the adequacy of the FBI's search for records.

Department of Justice regulations provide for an administrative appeal to the Office of Information Policy only after there has been an adverse determination by a component. See 28 C.F.R. § 16.8(a) (2018). As no adverse determination has yet been made by the FBI, there is no action for this Office to consider on appeal. At the time of your appeal, the FBI was still conducting its search for records regarding Mr. Bast and had not issued you a response letter.<sup>1</sup>

As you may know, the FOIA authorizes requesters to file a lawsuit when an agency takes longer than the statutory time period to respond. See 5 U.S.C. § 552(a)(6)(C)(i). However, I can assure you that this Office has contacted the FBI and has determined that your request is currently being processed. If you are dissatisfied with the FBI's final response, you may appeal again to this Office.

This Office has forwarded a copy of your letter to the FBI. You should contact the FBI's Requester Service Center at 540-868-1535 for further updates regarding the status of your request.

Sincerely,

12/20/2018

X 

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Sean R. O'Neill  
Chief, Administrative Appeals Staff  
Signed by: OIP

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<sup>1</sup> I note that you attached an FBI response to your appeal concerning a different request (1411471) but your appeal letter referenced the request for records regarding Mr. Bast (1411474), and you specifically mentioned the adequacy of the search for records regarding Mr. Bast in your appeal letter.